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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/027,776      | 12/20/2001  | Keith Billings       | 693-020con          | 2871             |

7590 01/02/2004

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EXAMINER

TRAN, THUY V

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 10/027,776             |  | BILLINGS, KEITH     |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | THUY V. TRAN           |  | 2821                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is a response to the Applicant's filing on 12/20/2001 and preliminary amendments filed on February 26<sup>th</sup>, 2002. According to the information provided therein, claims 1-8 are currently presented in the instant application.

#### ***Drawings Objections***

1. The drawings are objected to because of the following informalities:  
  
Missing Prior Art label in Fig. 1.  
  
Non-uniform and illegible drawing lines in Figs. 1 and 2; and  
  
Broken connection lines in Figs. 1 and 2.
2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
3. The drawings are also objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "154" has been used to designate both "inductor" and "constant current flow network".
4. A proposed drawing correction or corrected drawings are required in reply to the objections set forth in this Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Specification Objections***

5. The disclosure is objected to because of the following informalities:

##### **Incomplete related information:**

Suggestion: Page 2, of "RELATED APPLICATION" section, line 3, delete "." in front of " " "; and insert --, now U.S. Patent No. 6,366,029.--;

Using the same reference numeral "154" for a designation of both "inductor" and "constant current flow network":

Suggestion: Using different numbers to designate the inductor and the constant current flow network, and correct the specification along with the drawings correspondingly.

Appropriate correction is required.

***Claim Objections/ Minor Informalities***

6. Claims 1 and 6-7 are objected to because of the informalities contained therein. The correction is suggested as follows:

Claim 1, line 1, delete "a" and insert --at least one-- therefor;

Claim 1, line 2, change "the" to --an--;

Claim 1, line 4, change "winding" to --windings--;

Claim 1, line 6, insert --of-- between "each" and "said" (first occurrence); and change "transistor" to --transistors--;

Claim 1, line 10, insert --at least one-- between "said" and "lamp";

Claim 1, line 11, insert --at least one-- between "said" and "lamp";

Claim 6, line 2, change "windings" to --winding--;

Claim 7, line 6, insert --of-- between "one" and "said" (second occurrence); and change "line" to --lines--.

Appropriate correction is required.

***Double Patenting Rejections***

7. *The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See In re Goodman, 11*

*F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).*

*A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).*

*Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).*

8. Claims 1-8 are rejected under the judicially created doctrine of double patenting over claims 1-8 of U. S. Patent No. 6,366,029 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: (i) A ballast circuit for supplying AC voltage and current... a current supply source coupled to said troffer ground connection (as recited in claim 1); (ii) The apparatus of claim 1, ...by a capacitor (as recited in claim 2); (iii) The apparatus of claim 1... a variable DC supply voltage (as recited in claim 3); (iv) The apparatus of claim 3... said DC supply voltage source (as recited in claim 4); (v) The apparatus of claim 4 ... for providing start-up current (as recited in claim 5); (vi) The apparatus of claim 5 ... said first primary winding (as recited in claim 6); (vii) The apparatus of claim 3... relative to said other supply line (as recited in claim 7); and (viii) The apparatus of claim 1... said second primary winding (as recited in claim 8).

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application

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which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968).

See also MPEP § 804.

***Citation of relevant prior art***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Mallalieu (U.S. Patent No. 6,218,782) discloses a fluorescent lighting assembly with wireless ballast.

Prior art Billings (U.S. Patent No. 6,107,751) discloses a current fed, parallel resonant ballast.

Prior art Twardzik (U.S. Patent No. 6,078,144) discloses an electronic ballast with inrush current limiting.

Prior art Vila-Masot et al. (U.S. Patent No. 4,935,673) discloses a variable impedance ballast for a gas discharge lamp.

Prior art Burke (U.S. Patent No. 4,277,726) discloses a ballast circuit for fluorescent lamps.

Prior art Nilssen (U.S. Patent No. 4,184,128) discloses high efficiency push-pull inverters.

**\*\*\* Important notes to the Applicant in regard to the parent application or the U.S. Patent No. 6,366,029.**

Upon the examination of the instant application, the Examiner finds numerous errors contained in the drawings (for instance, using the same reference numeral "154" for both "inductor" and "constant current flow network"), specification (for instance, citing the same number "154" for both "inductor" and "constant current flow network"), and claims (as pointed out in the section "Claims Objections/ Minor Informalities set forth in this Office Action) of the parent application Ser. 09/584,445, which is now U.S. Patent No. 6,366,029. The Examiner believes that such errors should be corrected to avoid 112, 2<sup>nd</sup> paragraph issues (for instance, a lack of antecedent basis in regard to "said at least one lamp" in line 15 of claim 1, etc.) and to make the invention fully

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clear, and as such, filing "A REQUEST FOR A CERTIFICATION OF CORRECTIONS" for the U.S. Patent 6,366,029 is seriously suggested.

***Inquiry***

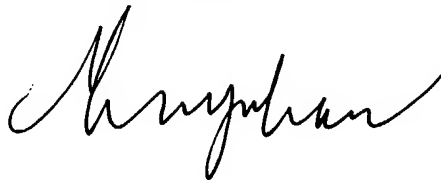
Any inquiry concerning this communication or earlier communications from the examiner should be directed to THUY V. TRAN whose telephone number is (703) 305-0012.

The examiner can normally be reached on M-F (8:30 AM-6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DON K. WONG can be reached on (703) 308-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

THUY V. TRAN  
Examiner  
Art Unit 2821



T.T.  
December 23<sup>rd</sup>, 2003